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EXAMINER

CHOI, PETER H

ART UNIT PAPER NUMBER

3623

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/007,612	Applicant(s) WILLIAMS, MICHAEL	
	Examiner Peter Choi	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 4, 2006 has been entered.

2. The following is a **NON-FINAL** office action upon examination of application number 10/007,612. Claims 1-39 are pending in the application. Applicant has amended claims 1, 3, 6- 9, 17, 19, 22, 24, 27-30 and 38.

Response to Arguments

3. In the previous Office Actions mailed November 16, 2005, and March 2, 2006, notice was taken by the Examiner that certain subject matter is old and well known in the art. Per MPEP 2144.03(c), these statements are taken as admitted prior art because no traversal of this statement was made in the subsequent response. Specifically, it has been taken as prior art that:

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- It is known in the surveying arts that short surveys are less burdensome to respondents, making it easier to obtain honest user responses
- It is an old and well-known step in the surveying arts to conduct surveys electronically by storing questions within a database and to transmit said survey questions over a computer network
- It is old and well known to use computers to perform calculations, conduct surveys, and transmit information
- Surveys are generated by using computer programming code (such as SQL) that is old and well known in the art to query the database for specific survey questions and thereafter transmitted to the survey participant. This step is of marginal cost consequences and provides the additional benefits of automating data entry to save time and eliminate errors.
- The advancement of technologies such as the Internet, has provided surveyors with the ability to field surveys to many people at relatively low cost (compared with the cost of fielding paper versions of the same surveys to the same population).
- Electronic surveys can be sent to many people for little marginal cost and data entry can be automated to save time and eliminate errors.
- The Internet can be used as a surveying mechanism via e-mail and the World Wide Web.

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- With e-mail, surveys can be sent to e-mail addresses as text messages, which the recipient can then read, save, respond to, or throw away, much like a paper survey.
- Surveys can also be posted on the Web and may include text, pictures, and forms to be filled in by the participant.
- It is an old and well known practice in the asset management arts to ascertain the financial “what-if” consequences of purchasing, leasing, sale, expense handling, acquisition, disposal of specific types of assets, and to compare said financial consequences with the status quo in order to calculate the potential costs or savings
- Electronic Data Interchange methods are old and well known means of transmitting electronic files over a computer network
- Transmitting facsimiles is old and well known in the art
- The step of delivering hard copies of documents is old and well known in the art
- It is old and well known in the computing arts that the time required to perform calculations, perform search queries, and transmit information is nearly instantaneous, and thus performed in real time
- Templates and macros can be used to automate the generation of analytical reports

4. Applicant's arguments filed August 4, 2006 have been fully considered but they are not persuasive.

Applicant argues that the Texas State Fleet Plan 2000 (Plan) fails to disclose or teach a method for forming a customized consultative proposal by automatically prompting a series of questions, receiving responses to the series of questions, calculating terms for portions of the consultative proposal based on the responses received, combining the terms for portions of the consultative proposal with static information to form a complete consultative proposal, and presenting the consultative proposal.

The Examiner respectfully disagrees. The Examiner asserts that Plan creates a consultative proposal that is based on received information and meets the limitations of the claimed invention. Page 8 of Plan states that the Office of Vehicle Fleet Management (OVFM) will collect and analyze essential fleet data, create and implement the CCG state fleet management plan, and provide standardized fleet reports to agencies. Page 2 of Plan states that OVFM will review available data (fleet data supplied by participants) and make further recommendations. The claimed invention does not preclude the use of standardized forms or procedures, but merely calls for customized consultative proposals. The Examiner asserts that although the process, forms and logs used by the Office of Vehicle Fleet Management in the Texas State vehicle Fleet Management Plan are standardized, the ensuing reports and proposals are customized, as they are unique to each implementation of the Vehicle Fleet Management Plan. Every implementation of the Vehicle Fleet Management Plan yields

a different set of information (response to questions, calculated cost savings, tax jurisdiction, information about the existing fleet and vehicle acquisition, funding, disposal, purchasing, fuel expenditure, and maintenance policies) and results in the formulation of a customized consultative proposal in response to the unique set of information gathered.

Applicant argues that Plan does not teach features such as electronically generating and presenting the customized consultative proposal to the user in real time.

As explained above, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the computing arts that the time required to perform calculations, perform search queries, and transmit information is nearly instantaneous, and thus performed in real time. It has also been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well-known that the Electronic Data Interchange methods are old and well known means of transmitting electronic files over a computer network. Thus, the teachings of Plan, as combined with the admission of the use of Electronic Data Interchange methods to transmit electronic files over a computer network, which is performed nearly instantaneously (i.e., in "real time") as prior art, teach the limitations of the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 2000 Texas State Vehicle Fleet Management Plan from the Office of Vehicle Fleet Management (herein after referred to as Texas State Fleet Plan 2000).

As per claim 1, Texas State Fleet Plan 2000 teaches a method of forming a customized consultative proposal comprising:

prompting a series of questions for generating the consultative proposal
(develop a list of fleet data reporting requirements used to make accurate fleet management decisions) [Page 12];

receiving response **(users submit information regarding each reporting requirement item; collect essential fleet data; all agencies and institutions are required to submit fleet data)** to the series of questions [Pages 8, 12];

calculating terms **(analyze essential fleet data)** for portions of the consultative proposal based upon the responses received **(OFVM will review available data by**

September 1, 2002, and make further recommendations to CCG by February 28, 2003; {OVFM collects and analyzes essential fleet data before creating and implementing the CCG state fleet management plan and providing standardized fleet reports to agencies}} [Page 8, Page 2];

combining the terms for portions of the consultative proposal with static information to form a completed consultative proposal (**create state fleet management plan**) [Page 8]; and

presenting the consultative proposal (**provide standardized fleet reports**) [Page 8].

Although not explicitly taught by Texas State Fleet Plan 2000, Official Notice is taken that the step of automating manual processes is old and well known in the art thus, it would have been obvious to one of ordinary skill in the art at the time of invention to use a computer to automate manual processes because doing so would allow Texas State Fleet Plan 2000 to increase accuracy and processing speed, and eliminate future reporting errors, which is a goal of Texas State Fleet Plan 2000. Furthermore, it was known at the time of invention that merely providing an automated way to replace a well-known activity (automatically prompting a plurality of questions) that accomplishes the same result is not sufficient to distinguish the claimed invention over the prior art in terms of patentability. *In re Venner*, 262 F. 2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Although the reports of Texas State Fleet Plan 2000 are not explicitly disclosed as being customized, the Examiner asserts that although the process, forms and logs used by the Office of Vehicle Fleet Management in the Texas State vehicle Fleet Management Plan are standardized, the ensuing reports and proposals are customized, as they are unique to each implementation of the Vehicle Fleet Management Plan. Every implementation of the Vehicle Fleet Management Plan yields a different set of information (response to questions, calculated cost savings, tax jurisdiction, information about the existing fleet and vehicle acquisition, funding, disposal, purchasing, fuel expenditure, and maintenance policies) and results in the formulation of a customized consultative proposal in response to the unique set of information gathered, thus meeting the limitations of the claim.

Claim 22 recites limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies.

As per claim 2, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 1, wherein no more than 10 questions are generated.

However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the surveying arts that short surveys are less burdensome to respondents, making it easier to obtain honest user responses. Therefore, it would have been obvious to one of ordinary skill in

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the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to limit the questionnaire to 10 questions, because the resulting invention would reduce the level of respondent burden, and increase the response rate.

Furthermore, the differences in the number of questions generated are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the number of questions generated. Further, the structural elements remain the same regardless of the number of questions generated. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F. 3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Claims 18, 23, and 39 recite limitations already addressed by the rejection of claim 2 above; therefore, the same rejection applies.

As per claim 3, Texas State Fleet Plan 2000 teaches the method of claim 1, wherein the consultative proposal relates to vehicle fleet management (**vehicle fleet management plan**) [pages 1-35].

Claim 24 recites limitations already addressed by the rejection of claim 3 above; therefore, the same rejection applies.

As per claim 4, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 1, wherein the questions are generated from a database and are transmitted over a computer network.

It has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is an old and well-known step in the surveying arts to conduct surveys electronically by storing questions within a database and to transmit said survey questions over a computer network. A database is by definition a repository of data. It has been further been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, is taken that it is old and well known in the art to use computers to perform calculations, conduct surveys, and transmit information.

Surveys are generated by using computer programming code (such as SQL) that is old and well known in the art to query the database for specific survey questions and thereafter transmitted to the survey participant. This step is of marginal cost consequences and provides the additional benefits of automating data entry to save time and eliminate errors.

The advancement of technologies such as the Internet, has provided surveyors with the ability to field surveys to many people at relatively low cost (compared with the cost of fielding paper versions of the same surveys to the same population). Electronic surveys can be sent to many people for little marginal cost and data entry can be automated to save time and eliminate errors. The Internet can be used as a surveying mechanism via e-mail and the World Wide Web. With e-mail, surveys can be sent to e-mail addresses as text messages, which the recipient can then read, save, respond to, or throw away, much like a paper survey. Surveys can also be posted on the Web and may include text, pictures, and forms to be filled in by the participant.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Texas State Fleet Plan 2000 to include computers in the steps of generating questions from a database and transmitting said questions over a computer network because the resulting invention would realize the benefits of computing and electronic surveying as discussed above.

Furthermore, it was known at the time of invention that merely providing an automated way to replace a well-known activity (generating survey questions and transmitting said questions over a computer network) which accomplishes the same result is not sufficient to distinguish the claimed invention over the prior art in terms of patentability. *In re Venner*, 262 F. 2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Claim 25 recites limitations already addressed by the rejection of claim 4 above; therefore, the same rejection applies.

As per claim 5, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 1, wherein calculating the terms includes providing an estimation of savings when using the services of a fleet management company based upon the responses received.

However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is an old and well known practice in the asset management arts to ascertain the financial “what-if” consequences of purchasing, leasing, sale, expense handling, acquisition, disposal of specific types of assets, and to compare said financial consequences with the status quo in order to calculate the potential costs or savings.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include the step of calculating savings estimates because the resulting invention would yield a tangible analysis of the benefits and/or consequences of modifying existing fleet management protocols, which may lead to the identification of best practices, and “better” (more efficient, less wasteful, increased savings, decreased expenditures, etc) policies for asset management.

Claim 26 recites limitations already addressed by the rejection of claim 5 above; therefore, the same rejection applies.

As per claim 6, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 1, wherein presenting the customized consultative proposal includes transmitting an electronic file over a computer network , wherein the electronic file is capable of being displayed on an electronic device.

It has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that Electronic Data Interchange methods are old and well-known means of transmitting electronic files over a computer network. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include the step of transmitting electronic files over a computer network, because the resulting invention would enable quick, efficient, and accurate processing of data, in addition to saving money, since no paper forms, envelopes, or postage is required, eliminating the need for data entry (also eliminating the associated time requirements and errors), and further provides the opportunity for a number of control and security measures to be implemented, as data security can be enforced through the use of user identification numbers and passwords.

Claim 27 recites limitations already addressed by the rejection of claim 6 above; therefore, the same rejection applies.

As per claim 7, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 1, wherein presenting the consultative proposal includes transmitting a facsimile.

However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that the step of transmitting facsimiles is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include the step of transmitting a facsimile, because the resulting invention would enable instant transmission of essential documents to and from remotely located recipients.

Furthermore, the differences in the means of distributing the proposal are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the means of distributing the proposal. Further, the structural elements remain the same regardless of the means of distributing the proposal. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F. 2d 1381, 1385, 217

USPQ 401, 404 (Fed. Cir. 1983); In re Lowery, 32 F. 3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Claim 28 recites limitations already addressed by the rejection of claim 7 above; therefore, the same rejection applies.

As per claim 8, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 1, wherein presenting the customized consultative proposal includes delivering a hard copy.

However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that the step of delivering hard copies of documents is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include the step of delivering hard copies of documents, because the resulting invention would enable instant distribution of essential documents to recipients.

Furthermore, the differences in the means of distributing the proposal are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the means of distributing the proposal.

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Further, the structural elements remain the same regardless of the means of distributing the proposal. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowery*, 32 F. 3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Claim 29 recites limitations already addressed by the rejection of claim 8 above; therefore, the same rejection applies.

As per claim 9, Texas State Fleet Plan 2000 teaches a method of forming a customized consultative proposal comprising:

prompting a series of questions regarding a fleet of vehicles (**develop a list of fleet data reporting requirements used to make accurate fleet management decisions**) [Page 12];

receiving a response (**users submit information regarding each reporting requirement item; collect essential fleet data; all agencies and institutions are required to submit fleet data**) to the series of questions [Pages, 8,12];

forming a completed consultative proposal (**state fleet management plan**) [Page 8];

presenting the consultative proposal (**provide standardized fleet reports**) [Page 8].

Although not explicitly taught by Texas State Fleet Plan 2000, Official Notice is taken that the step of automating manual processes is old and well known in the art thus, it would have been obvious to one of ordinary skill in the art at the time of invention to use a computer to automate manual processes because doing so would allow Texas State Fleet Plan 2000 to increase accuracy and processing speed, and eliminate future reporting errors, which is a goal of Texas State Fleet Plan 2000. Furthermore, it was known at the time of invention that merely providing an automated way to replace a well-known activity (automatically prompting a plurality of questions) that accomplishes the same result is not sufficient to distinguish the claimed invention over the prior art in terms of patentability. *In re Venner*, 262 F. 2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Although the reports of Texas State Fleet Plan 2000 are not explicitly disclosed as being customized, the Examiner asserts that although the process, forms and logs used by the Office of Vehicle Fleet Management in the Texas State vehicle Fleet Management Plan are standardized, the ensuing reports and proposals are customized, as they are unique to each implementation of the Vehicle Fleet Management Plan. Every implementation of the Vehicle Fleet Management Plan yields a different set of information (response to questions, calculated cost savings, tax jurisdiction, information about the existing fleet and vehicle acquisition, funding, disposal, purchasing, fuel expenditure, and maintenance policies) and results in the formulation of a customized

consultative proposal in response to the unique set of information gathered, thus meeting the limitations of the claim.

Although Texas State Fleet Plan 2000 does not explicitly teach the step of calculating potential savings, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is an old and well known practice in the asset management arts to ascertain the financial “what-if” consequences of purchasing, leasing, sale, expense handling, acquisition, disposal of specific types of assets in order to calculate potential costs or savings, and to combine said calculated costs or savings with static information (for example, descriptions of the methodology used, descriptions of differences between different purchasing options, contact information for the consultants providing the consultation service, etc.) to generate analytical reports featuring insight regarding the expected financial impact from specific “what-if” actions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include the step of calculating potential savings based upon stored data and received responses to survey questions because the resulting invention would enable users to make financially-minded decisions regarding asset management and to determine best practices for asset management.

Texas State Fleet Plan 2000 does not explicitly teach the use of computer networks, user terminals, or electronically formatted responses. However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the art to use computers to perform calculations, conduct surveys, and transmit information. It has further been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the surveying arts to conduct surveys electronically by storing questions within a database and transmitting said survey questions over a computer network.

The step of transmitting survey questions and receiving responses to a survey question over a computer network inherently requires an electronic format of both the questions and responses. The advancement of technologies such as the Internet, has provided surveyors with the ability to field surveys to many people at relatively low cost (compared with the cost of fielding paper versions of the same surveys to the same population). Electronic surveys can be sent to many people for little marginal cost and data entry can be automated to save time and eliminate errors. The Internet can be used as a surveying mechanism via e-mail and the World Wide Web. With e-mail, surveys can be sent to e-mail addresses as text messages, which the recipient can then read, save, respond to, or throw away, much like a paper survey. Surveys can also be posted on the Web and may include text, pictures, and forms to be filled in by the participant.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Texas State Fleet Plan 2000 to include the step of conducting a survey over a computer network because the resulting invention would realize the benefits of electronic surveying as discussed above.

It was known at the time of invention that merely providing an automated way to replace a well-known activity (providing survey questions over a computer network to a user terminal, receiving responses in electronic format over said computer network) which accomplishes the same result is not sufficient to distinguish the claimed invention over the prior art in terms of patentability. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Claim 30 recites limitations already addressed by the rejection of claim 9 above; therefore, the same rejection applies.

As per claim 10, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question (**reporting requirement item**) regarding how the user acquires vehicles (**Acquisition/Acceptance Date, Acquisition Cost, Replacement Schedule**) [Pages 8, 26, 27].

Claim 31 recites limitations already addressed by the rejection of claim 10 above; therefore, the same rejection applies.

As per claim 11, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question **(reporting requirement item)** regarding how the user funds fleet purchases **(Procurement Funding Source)** [Page 26].

Claim 32 recites limitations already addressed by the rejection of claim 11 above; therefore, the same rejection applies.

As per claim 12, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question **(reporting requirement item)** regarding how fleet vehicles are disposed of by the user **(vehicle replacement goals; disposal decisions; disposing of identified excess vehicles and identification of vehicles for disposal; Replacement Schedule; Disposal data, Odometer reading at disposal date, Disposal price, Net disposal proceeds)** [Pages 5, 8, 10, 27].

Claim 33 recites limitations already addressed by the rejection of claim 12 above; therefore, the same rejection applies.

As per claim 13, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question **(reporting requirement item)** regarding the types of vehicles in the fleet **(Year, Make/Manufacturer, Model, Gross Vehicle Weight Rating, Wheel Base measurement, Engine Size, Number of Cylinders,**

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Engine oil capacity, Transmission description, Transmission fluid capacity, Drive Type, Tire Size/Specifications, Number of tires, Fuel capacity, Factory installed options, Warranty, EPA MPG Rating, Vehicle Emissions Rating, License Plate Number, Vehicle Type/Class) [Pages 23, 24, 25].

Claim 34 recites limitations already addressed by the rejection of claim 13 above; therefore, the same rejection applies.

As per claim 14, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question **(reporting requirement item)** regarding how fuel expenditures are handled **(state fleet fueling policy; Fuel capacity, EPA MPG rating; Fuel Facility, Fuel Type, Fuel Quantity, Fuel Cost)** [Pages 6, 24, 33].

Claim 35 recites similar limitations; therefore, the same rejection applies.

As per claim 15, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question **(reporting requirement item)** regarding how maintenance expenses are handled **(Preventative Maintenance/Repairs, Preventative Maintenance/Repairs Facility, Preventative Maintenance/Repairs Cost, Preventative Maintenance/Repairs Time, Accident Repair Expenses, Incident Repair Expenses, Standard Labor Rate, Incidental Lubricants Quantity,**

Incidental Lubricants Cost, Indirect Expenses/Cost {Overhead}} [Pages 32, 33, 34, 35].

Claim 36 recites limitations already addressed by the rejection of claim 15 above; therefore, the same rejection applies.

As per claim 16, Texas State Fleet Plan 2000 teaches the method of claim 9, wherein the questions include a question **(reporting requirement item)** regarding which jurisdiction the fleet is in for tax purposes **(Facility/District/Region/Section; Vehicle Location, Assigned or Pooled Vehicle, Individual or group name; Position, Commute to home)** [Pages 23, 30].

Claim 37 recites limitations already addressed by the rejection of claim 16 above; therefore, the same rejection applies.

As per claim 17, Texas State Fleet Plan 2000 does not explicitly teach the method of claim 9, wherein the consultative proposal is electronically generated and presented to the user in real time.

It has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the art to use computers to perform calculations, conduct surveys, and transmit information. It has further been

admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the computing arts that the time required to perform calculations, perform search queries, and transmit information is nearly instantaneous, and thus performed in real time, and furthermore, that templates and macros can be used to automate the generation of analytical reports.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include computers in the step of electronically generating the consultative proposal because the resulting invention would enable the surveyors to realize significant time savings as a result of instantaneous automation of calculations and report generation, and presentation of the consultative proposal in real time using an embodiment that facilitates the ease of distribution using means that are old and well known in the art, such as Electronic Data Interchange.

Furthermore, it was known at the time of invention that merely providing an automated way to replace a well-known activity (electronically generate and present analytical reports) which accomplishes the same result is not sufficient to distinguish the claimed invention over the prior art in terms of patentability. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

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Claim 38 recites limitations already addressed by the rejection of claim 17 above; therefore, the same rejection applies.

As per claim 19, Texas State Fleet Plan 2000 teaches a system for generating customized consultative proposals comprising:

prompting a series of questions **(develop a list of fleet data reporting requirements used to make accurate fleet management decisions)** related to fleet management [Page 12];

transmitting the questions **{providing users with the list of reporting requirements to which they must respond}** [Pages 23-34]; and

receiving responses **(users submit information regarding each reporting requirement item; collect essential fleet data; all agencies and institutions are required to submit fleet data)** to the questions [Pages 8, 12].

Although not explicitly taught by Texas State Fleet Plan 2000, Official Notice is taken that the step of automating manual processes is old and well known in the art thus, it would have been obvious to one of ordinary skill in the art at the time of invention to use a computer to automate manual processes because doing so would allow Texas State Fleet Plan 2000 to increase accuracy and processing speed, and eliminate future reporting errors, which is a goal of Texas State Fleet Plan 2000. Furthermore, it was known at the time of invention that merely providing an automated way to replace a well-known activity (automatically prompting a plurality of questions)

that accomplishes the same result is not sufficient to distinguish the claimed invention over the prior art in terms of patentability. *In re Venner*, 262 F. 2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Texas State Fleet Plan 2000 does not explicitly teach the steps of including a database for storage of static promotional material, calculation criteria, survey questions, or software means of conducting an electronic survey. A database is by definition a repository of data, such as store survey questions, calculation criteria, and static promotional material.

Texas State Fleet Plan 2000 does not explicitly teach the use of computer networks, user terminals, or electronically formatted responses. However, it has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the art to use computers to perform calculations and conduct surveys. It has further been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is old and well known in the surveying arts to conduct surveys electronically by storing questions within a database and transmitting said survey questions over a computer network.

The step of transmitting survey questions and receiving responses to a survey question over a computer network inherently requires an electronic format of both the questions and responses. The advancement of technologies such as the Internet, has

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provided surveyors with the ability to field surveys to many people at relatively low cost (compared with the cost of fielding paper versions of the same surveys to the same population). Electronic surveys can be sent to many people for little marginal cost and data entry can be automated to save time and eliminate errors. The Internet can be used as a surveying mechanism via e-mail and the World Wide Web. With e-mail, surveys can be sent to e-mail addresses as text messages, which the recipient can then read, save, respond to, or throw away, much like a paper survey. Surveys can also be posted on the Web and may include text, pictures, and forms to be filled in by the participant.

Furthermore, the step of conducting electronic surveys requires the use of databases to store collected data, calculation criteria, and survey questions, and the software required to perform Electronic Data Interchange methods to transmit electronic data between computer terminals connected through a computer network. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Texas State Fleet Plan 2000 to include the step of conducting a survey over a computer network because the resulting invention would realize the benefits of electronic surveying as discussed above.

Although Texas State Fleet Plan 2000 does not explicitly teach the steps of performing calculating based on calculation criteria or generating a customized consultative proposal based upon calculations and including static promotional material,

It has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is an old and well known practice in the asset management arts to ascertain the financial "what-if" consequences of purchasing, leasing, sale, expense handling, acquisition, disposal of specific types of assets to calculate potential costs or savings, and to combine said calculated costs or savings with static information (for example, descriptions of the methodology used, descriptions of differences between different purchasing options, contact information for the consultants providing the consultation service, etc) to generate analytical reports featuring insight regarding the expected financial impact from specific "what-if" actions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Texas State Fleet Plan 2000 to include the step of calculating potential savings based upon stored data and received responses to survey questions because the resulting invention would enable users to make financially-minded decisions regarding asset management and to determine best practices for asset management.

As per claims 20 and 21, Texas State Fleet Plan 2000 does not explicitly teach the system of claim 19 wherein the computer is a server remotely accessible via a computer network such as the Internet.

It has been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that it is an old and well-known step in the surveying arts to conduct surveys electronically by storing questions within a database and transmitting said survey questions over a computer network.

It has further been admitted as prior art, as a result of untimely and/or improperly challenged Official Notice, that Electronic Data Interchange methods are an old and well-known means of transmitting electronic files over a computer network.

The advancement of technologies such as the Internet, has provided surveyors with the ability to field surveys to many people at relatively low cost (compared with the cost of fielding paper versions of the same surveys to the same population). Electronic surveys can be sent to many people for little marginal cost and data entry can be automated to save time and eliminate errors. The Internet can be used as a surveying mechanism via e-mail and the World Wide Web. With e-mail, surveys can be sent to e-mail addresses as text messages, which the recipient can then read, save, respond to, or throw away, much like a paper survey. Surveys can also be posted on the Web and may include text, pictures, and forms to be filled in by the participant.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Texas State Fleet Plan 2000 to include a remotely accessible computer because the resulting invention would realize the benefits of electronic surveying

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discussed above, and would enable quick, efficient, and accurate processing of data, in addition to saving money, since no paper forms, envelopes, or postage is required, eliminating the need for data entry (also eliminating the associated time requirements and errors), and further provides the opportunity for a number of control and security measures to be implemented, as data security can be enforced through the use of user identification numbers and passwords.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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PC

October 2, 2006

Romain Jeanty
Primary Examiner
Art Unit 3623